

**Housing Workgroup Minutes**  
**12/13/07**  
**10:30 am to Noon**  
**Pioneer Room, Judicial Wing, State Capitol**

**Documents provided or reviewed: “The Perfect Home: Resources and Options for People with Disabilities”, Section B9 of the MFP Operational Protocol requirements, Housing workgroup membership list, Letter from Secretary Alphonso Jackson of the U.S. Department of Housing and Urban Development (July 9, 2007, approved operational protocol form the state of New Hampshire. CMS provided a copy of the “Regional Housing Forum” and the “Medicaid Primer for Housing Agencies” for MFP grantees.**

**Members Attending:**

Teresa Larsen, ND, Protection and Advocacy, Mike Anderson, ND Housing and Finance, Wayne Glaser, ND Dept of Commerce, Division of Community Service, Craig Knudsvig, Warren Hanson, Nancy Brandner, Kathy Koethe, Jim, Grand Forks Housing Authority, Royce Schultz, Dakota Center for Independent Living, Bruce Murry, Protection and Advocacy.

**Operational Protocol Section B.9 Housing**

**The MFP Grant Operational Protocol needing to be developed related to housing was reviewed for the housing group.**

The OP protocol related to the need to define qualified residences for MFP participants was reviewed and the following definitions were outlined:

- A. A home owned or leased by the individual or the individual's family member;
- B. An apartment with an individual lease, with lockable access and egress, and which includes living, sleeping, bathing, and cooking areas over which the individual or the individual's family has domain and control; and
- C. A residence, in a community-based residential setting, in which no more than 4 unrelated individuals reside i.e. Adult Foster Care or Community Group Home

The need to describe the state regulations for each type of housing was reviewed for the group.

The county social services agencies license Adult Foster Care Homes at this time. It was agreed that if a Foster Home was the residence to be used for a transition the transitional coordinator would need to work with the County Case Manager to document that the home is properly licensed. This could be documented by the Transitional Coordinator.

Group Homes for persons with a developmental disability are licensed by the Department of Humans Services. No group home can provided services without meeting the state licensure requirements. The DD Case Manager would need to document that the individual transitioned to a properly licensed group home.

The regulations would be relevant related to an apartment placement would be the Housing Quality Standards (HQS). The HQS are HUD standards. The HQS are used by the county housing programs when they evaluate apartments that are going to be rented by and individual with a housing voucher. Every apartment is assessed and the results are documented and retained in the persons file. Apartments are reassessed on a regular basis to assure that the apartment continues to meet standards. Only apartments that meet these standards are eligible for use with a voucher.

County HAP offices utilize a checklist for the assessment process. It would be possible to share the assessment checklist to assure that a residence that is not subject to HAP rules would be evaluated by the transitional coordinator. Training for this process could be provided to the transitional coordinator by a HAP office. The HQS checklist comes with instructions. This would come into play when someone moves to a private home that they own or is owned by a family member or if they receive another form of housing assistance.

The question of assuring accessibility to the renter was reviewed. It was noted that the individual would need to make a choice about the apartment they rent to assure that it meets their needs. The landlord would have to make sure that if an elevator was needed for a person to access a 2<sup>nd</sup> floor apartment that the elevator would work.

Buildings that are built with Federal money will have first floor apartments that are accessible. If a person without need for the 1<sup>st</sup> floor apartment rents the apartment the lease agreement normally will require them to relocate to a different apartment in the same building if a person with a disability needs the accessible apartment.

It was noted that the HQS would need to be applied in a reasonable fashion if used to assess a privately owned family home. The intent would not be to prevent the move but to address any real life safety types of issues. The need to negotiate for the welfare needs of the individual would assure that the home meets minimal standards and reasonable accommodations are made for the person moving to the home. If a concern had no impact on the person with a disability it would not be appropriate to make this a road block for the move. Example: No vent or window in older home's bathroom.

All buildings need to meet minimal building code requirements such as sewer, water, electrical codes. The additional HQS could be applied to privately owned homes beyond those standards to assure an appropriate and safe living environment. The ultimate goal is to assure a good quality of life for each person.

HQS address the Americans with Disabilities Act (ADA) reasonable accommodations requirements. Fair housing laws require that landlords allow renters to make their own reasonable accommodations as long as they return the apartment to its prior condition.

**Describes how State will determine and document that all residences into which MFP participants are placed meet MFP statutory definitions for "qualified residences". \***

- A. Documentation Process will need to be built into the transition process for each population process.
- B. Any other ideas?

Verifies that all qualified residences into which MFP participants may be placed, that are subject to State licensure or certification, have been or will be fully licensed or certified by the appropriate State or local entities. for those residential types subject to state licensure or certification, i.e. not private homes).

**Primary Tasks of the Workgroup:**

1. Describe plan for assuring sufficient supply of qualified residences to assure MFP participants have a choice among them.
2. Clearly describes the strategies that will be used to assure, or expand, availability of affordable and accessible housing options that serve as qualified residences.
  - What steps has the MIG committee already taken in this area and what can we do to advance their work
3. Describes relationship between MFP program and State/local housing authorities i.e. the role of state agencies in local PHA planning processes (if applicable).
4. What needs to be done to utilize Assisted Living Facilities in ND?

\*Note: Assisted living facilities in which individuals lease may qualify as an “apartment”, but not if the facility can discharge the individual if their needs exceed a certain threshold.

**Group Discussion:**

Accessible, affordable and available housing were noted to be the primary issues that needed to be addressed by the grant stakeholder committee.

The letter from the HUD Secretary, Alphonso Jackson was reviewed related to his encouragement to set local preferences for the use of local public housing units, Housing Choice Vouchers, and Mainstream Vouchers to promote the MFP Rebalancing Initiative. It was noted that local preferences could be established by each individual county HAP office. The housing directors have an informal network. This network could be accessed to communicate the goals of MFP and request that each address the need to establish a local MFP priority. Mike Anderson agreed to assist with contacting the housing directors.

It was noted that many apartments that would be able to meet the needs of a person with a disability have rents that are in excess of the limits established by the housing programs. The limits are 110% of fair market value at this time.

The Housing Finance Agency makes possible or provides tax incentives for project based assistance. Housing Finance has a list of these projects that provide restricted access to

individuals with some form of a disability. The projects are located around the state and it was agreed that it would be very helpful to have a comprehensive list of each project. These projects are normally apartment complexes of varying sizes in both large and small communities. Smaller towns usually have more vacancies than the larger cities.

Some of the projects are funded with Rural Development moneys provided by the USDA.

The Department of Commerce also is involved with project based initiatives with the HOME program. A list of housing projects that the Dept of Commerce has sponsored will also be secured.

The primary provider of housing will be either section 8 project based or voucher based assistance.

Section 8 Home ownership program assistance is being provided in Grand Forks at this time. Fargo is close to offering this program Minot has also been discussing this option but has not taken any action at this time.

It was agreed that it would be helpful to work with the Medicaid Infrastructure Grant (MIG) staff on the housing needs of all persons so as to limit duplication of efforts as much as possible. The housing resource guide that has been prepared by MIG was reviewed and was found to be a very useful tool for all individuals in need of housing or housing assistance. The MIG group has been focusing on the issue of "visitability" in new construction. Their group is working on attempt to have legislation passed to require this in all in construction of both private and multi-family dwellings. Tom Alexander will participate in the MFP Workgroup as he is able.

The MFP workgroup discussed that the ADA now requires all multi-family projects built include a defined percentage of accessible units. The concept of visitability is the expectation that everyone should allow a person with a disability to visit without barrier. The struggle at this time is what to introduce as a requirement and what to address over time as culture change supported by education and successful project development, and everyday positive experiences that will come from living well next to persons with a disability.

Accessible spaces of Grand Forks have developed all accessible apartment projects as has Burleigh County Housing Authority. A concern about some of these projects becoming "segregated" was noted to be an issue. The better scenario would be for each multi-family unit arrangement provides an integrated environment. The need to be flexible in determining what is going to work was emphasized as strategies that may work in the larger cities may not work in the more rural areas of the state.

It is noted that some builders (Grand Forks and Mandan) have build fully accessible homes and had a difficult time selling them. It is noted that it is a specialty market and just takes longer to sell.

The need to develop more incentives for builders is key to successful construction of projects that are inclusive in nature and will serve individuals that are elderly or with a disability. Contact

with the Builders Association would be one approach to discuss incentives or encourage voluntary development of more accessible housing.

The key is education so that people could “Age in Place”. Housing Finance can offer tax credits that would provide the incentives needed to encourage the building of these projects.

The state tax credit is the best “carrot or incentive” that we have at this time. The 2008 plan is to be finalized by the Advisory Board on 12/20/07 at a meeting in Bismarck. It appears that changes to this year’s plan are not possible but it will be important to communicate the goals of MFP to the advisory board for next year (2009) so that the issue of increased housing project incentives is addressed in the next budget. It was agreed that a letter would be initiated to the Board for this purpose requesting an increase in the low income housing tax credit program. Bruce Murry of the Protection and Advocacy office will attend the meeting as a MFP workgroup representative.

Assisted living was also noted as a housing option that has been identified. Tax credits have been of question as it has been difficult to separate the housing and services components. Services must be optional.

It was agreed that the goal of the workgroup is to establish the strategies that will be employed to address the need to develop affordable, accessible, and available housing. These strategies will be the basis for the action of the committee during the grant period.

The Grand Forks Housing staff provided a summary of the Resident Service Coordination that they due as part of their HUD complex to link residents with community services. This service is provided for the residents of their five properties. Minot also has a similar program.

It was noted that the Neighborhood works program representative would be a very good addition to the workgroup. Sherri Arenz will be contacted and invited to attend the next meeting. The group has been involved with the Lewis and Clark regional council.

Next Meeting is set for 1/7/2008 at 10:00 am in Bismarck. The location will be communicated at a later date to allow time to secure a polycom site to accommodate the attendance of the Grand Forks HAP staff.

Jake Reuter will provide workgroup members with a summary of the meeting for review. NDHF may have a different representative for the workgroup but Mike Anderson will continue on the Stakeholder Committee.